

CHAPTER 1-10. PARKS

Article 1. General Provisions

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Article 1. General Provisions.

Sec. 9-30 – Purpose and Authority.

The purpose of this article is to ensure all Colchester residents that the Town parks will be clean, safe and enjoyable places for people to engage in the recreation pursuits of their choice, and to protect the peace, order, health, safety, comfort, protection, morality, and general welfare of the Town and of its citizens. Because recreation is different things to different people, the following regulations have been developed to facilitate the use of parks for active and passive, scheduled and spontaneous, group and individual recreation activities. This Ordinance is adopted pursuant to 24 V.S.A. Ch. 61, Section 103(b), and Sections 105 *et seq.* of the Colchester Town Charter.

Sec. 9-31 - Definitions.

As used in the article, the following terms shall have the following meanings ascribed to them:

- (a) **Town:** Town of Colchester, Vermont
- (b) **Department:** Colchester Parks and Recreation Department
- (c) **Director:** The Director of the Colchester Parks and Recreation Department, or his/her designee
- (d) **Exotic Animal:** Any animal that is not a “pet” or “domestic pet” as defined in 20 V.S.A. 3431(3), as may be amended from time to time
- (e) **Fireworks:** The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles,

cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers.

- (f) **Manager:** Town of Colchester Town Manager, or his/her designee
- (g) **Motor Vehicle:** Any wheeled conveyance (except a wheelchair) for transportation of persons or materials whether powered or drawn by motor such as an automobile, truck, golf cart, recreational vehicle, motorcycle or scooter. "Vehicle" does not include any Town of Colchester fleet or emergency vehicles operating in the course of public safety or official Town of Colchester business.
- (h) **Park/Park Property:** May include, but is not limited to parks, open space, greenspace, natural areas, cultural and historic sites, playgrounds, ball fields, pools, pavilions, greenways, wetlands, floodplains, lakes, rivers, beaches or water areas, and buildings and structures which are under the control of or assigned for inspection, upkeep, maintenance or operation by the Department
- (i) **Permit:** A document provided by the Department granting permission for use of reserved park property and which sets forth terms and conditions applicable thereto
- (j) **Person:** Any person, firm, association, joint venture, partnership, company, corporation, entity or organization of any kind
- (k) **Pet:** "Pet" or "domestic pet; means any domestic dogs, domestic cats, and ferrets, pursuant to 20 V.S.A. 3451(3), as may be amended from time to time. The team shall also include any animals that the Vermont Secretary of Agriculture shall list as domestic pets by rule.
- (l) **Plant:** Any tree, vine, shrub, flower, fungi or related living organism
- (m) **Special Event** - Any organized activity open to the public, taking place on park property and having as its purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or concert

Sec. 9-32 - Park Hours and Closures.

- (a) All parks shall be open to the public during designated hours. The opening and closing hours shall be posted at each park in order to give notice to the public.
- (b) No person shall enter or remain on park property during hours when the park is closed. The provisions of this section shall not apply to emergency personnel or department employees while in the discharge of their duties, or to any person having permission by the Director to be or remain in any part of the parks between such hours.
- (c) In the interest of public safety, the Director may close parks or areas within parks to public entry or otherwise restrict use until such time as the area can be made available for safe public use. Except in emergency circumstances, notice of closure shall be posted, and only authorized persons shall enter closed or restricted areas.

Sec. 9-33 - Buildings and Other Property.

- (a) No person shall willfully mark, destroy, deface, vandalize or otherwise damage any building or other property belonging to or used by Town of Colchester in any park.
- (b) No person shall construct or erect on park property any building or structure of whatever kind, whether permanent or temporary in character, except as part of a Department program or permitted event.

Sec. 9-34 - Park Usage.

- (a) No person shall enter or use any park for which an entrance or use fee has been established unless each person has first paid the fee or is otherwise authorized to enter.
- (b) The Director may establish rules for the proper use of park amenities such as playgrounds, swim areas, skate parks, etc. which shall be enforceable by park personnel.

Sec. 9-35 - Use of Cameras and Recording Devices.

No person shall use any type of camera or similar device to record or produce a visual image in any park restroom, locker room, bath house, shower facility or other area used for dressing or changing clothes.

Sec. 9-36 - Authority to Rent or Lease Parks and Equipment.

The Director is authorized to rent or lease the use of park equipment and to charge a fee for the use of park facilities to individuals and private or public organizations.

Sec. 9-37 - Fees.

- (a) Reasonable fees may be assessed by the Select Board for the use of parks by individuals. The town shall establish a schedule of such fees as approved by the Select Board.

Sec. 9-38 - Reserved Areas.

- (a) Parks and park property shall be reserved only by permit made in accordance with the Department's reservation policy. Said reserved park areas may include athletic fields, group picnic shelters and associated amenities, recreation facility spaces, and those areas requested for the use of special events.
- (b) No person shall use or occupy a reserved space except the person or party for whom the space is reserved.
- (c) Any person having a permit issued by the Department must comply with all applicable rules and regulations. Upon request, confirmation of the reservation must be displayed to department employees charged with supervision or patrolling of parks. Violations of permit requirements may result in immediate suspension or revocation of the permit.
- (d) Department employees, in the course of authorized business, shall have the right to enter the premises of any building, structure or enclosure on park property, including those rented or set aside for the private or exclusive use of any individual or group.

Sec 9-39 Permit System.

- (a) Application for any permit or permission issued pursuant to this article shall be made to the Parks and Recreation Department.
- (b) Application for group use of a park shall be made to the Parks and Recreation Department at least fourteen (14) days prior to the proposed activity date. Application for group use of a park shall be made on a form provided by the parks and recreation department.
- (c) The organization of any assembly or group to conduct programs or entertainment in any park is allowed by permit from the Parks and Recreation Department. Said permits shall be carried by the person directing or leading such activity. Failure to follow the conditions of the permit shall void the permit.
- (d) The Parks and Recreation Director or designee shall issue a permit if the applicant's use will not unreasonably interfere with the enjoyment and use of the park by the general public based on the consideration or whether the applicant's activity:
 - (1) Will unreasonably detract from residents' entitlement to recreation;
 - (2) Will unreasonably infringe on public health, safety or welfare;
 - (3) Will unreasonably conflict with facilities reserved for other uses;
 - (4) Will unreasonably interfere with traffic or burden police services; or
 - (5) Is likely to cause personal or property injury, incite violence, crime or disorderly conduct.
- (e) The Parks and Recreation Director may impose reasonable conditions upon the issuance of a permit.
- (f) A fee may be imposed by the Select Board as a condition to the issuance of a permit.
- (g) As a condition of the issuance of a permit, the parks and recreation director may, at his/her discretion, require the individual/group to have in attendance a law enforcement officer, fire officer or rescue officer
- (h) Denial of an application shall be accompanied by a statement of reasons for such a denial. An applicant may appeal the action of the parks and recreation director to the town manager, within thirty (30) days of notification of a denial.
- (i) Any permit is revocable for violation of any article or for breach of the conditions attached to the permit.

Sec. 9-40 - Picketing or Demonstrations.

Any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any park or park property, from disrupting or interfering with scheduled events, or preventing or being inconsistent with the intended use of the park at the proposed site of assembly.

Sec. 9-41 - Commercial Activities.

- (a) No person shall conduct the commercial sale of, or offer to sell any goods, ware, drinks, food or similar items nor render or offer to render any service for hire, at any park except as authorized by contract or permit issued by the Director.
- (b) Commercial vendors interested in doing business on Town property/parks shall contact the Parks and Recreation Director to complete the proper permit application.
- (c) No person shall place any stand, cart or vehicle for the transportation, sale, trade or display of any article, material or service within any park area unless approved by the Director in conjunction with a permitted use of a reserved park area.

Sec. 9-42 - Noise and Amplified Sound.

Patrons shall preserve the peace and quiet enjoyment of the parks by observing all state laws governing noise and amplified sound while on park property.

- (a) All unreasonably loud noise is hereby prohibited in Town parks. Noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of park users. A determination of unreasonable shall be made by enforcement personnel based on time/place/density of park usage and other relevant factors.
- (b) The operation or permitting the operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound is hereby prohibited in all Town parks, unless played in connection with a permit granted by the Director of the Town Department of Parks and Recreation.

Sec. 9-43 - Fireworks and Explosives.

No person shall possess or use any kind of firework or other explosive material or system, except by permit, in any park, except as otherwise indicated in Section 9-49 of this Article.

Sec. 9-44 - Litter.

- (a) No person shall dump, deposit, place or throw any garbage, glass, coals, ashes, paper, boxes, cans, dirt, waste or other trash in any park except in proper receptacles where provided. Where receptacles are not provided, litter shall be carried away from park property by the person or persons responsible for its presence.
- (b) No glass containers are permitted within park boundaries.

Sec. 9-45. - Distribution of Printed Material.

No person shall hand out, distribute, post, display or affix any printed material or advertisement within any park property or on any vehicle that is calculated to attract the attention of the public. Exceptions to this rule include the direct distribution, without charge to the receiver thereof, of non-commercial handbills to any person willing to accept it; announcements of department-sponsored or sanctioned events; authorized signs located entirely within concession structures; and signs or distribution of printed materials approved by the Director in conjunction with a permitted use of a reserved park area.

Sec.9-46 - Motor Vehicles and Bicycles.

- (a) All applicable state and local motor vehicle laws are enforceable within parks.
- (b) Law enforcement officers may enforce all applicable state and local motor vehicle, traffic and parking laws, and enforce all rules and regulations set forth by the Director within park property. Enforcing officials may direct traffic and enforce the rules and regulations set forth by the Director within park property.
- (c) All vehicles operated on park roads must be street legal by state and local vehicle laws.

- (d) All motorized vehicles of every kind and description are prohibited from driving on Colchester Recreation paths, except as follows:
 - (1) Emergency response vehicles and authorized town maintenance and enforcement vehicles;
 - (2) Vehicles crossing the path at designated crossing points such as intersections and driveways;
 - (3) Vehicles travelling on public roads which share road surface with designated recreation paths;
 - (4) Motorized wheelchairs; and
 - (5) Segways with permission of Parks and Recreation Director.
- (e) Racing of bicycles is prohibited on recreation paths, unless approved by the Parks and Recreation Director.
- (f) Pedestrians have the right of way on recreation paths.
- (g) Users of the recreation paths shall observe and obey the following
 - (1) All users shall stay to the right side of the path except when passing
 - (2) Passing shall be done on the left or the person(s) being passed. Users shall warn others prior to passing them by announcing "passing on your left" or some other suitable warning.
 - (3) Users shall travel single file when necessary for safety
 - (4) Users shall obey all applicable traffic rules and regulations, including coming to a complete stop at all stop signs, and shall walk their bicycle in any area posted for walking only
 - (5) All users shall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface
 - (6) All dogs must be leashed on a maximum six-foot leash. Pet waste shall be removed by the person responsible for the dog.
- (h) Bicycles are allowed on concrete or asphalt paths within parks but are prohibited on natural surface trails unless expressly designated as bicycle trails.
- (i) All terrain vehicles (ATV) and snowmobiles are not permitted within the boundaries of parks, except with prior written permission from the Director of Parks and Recreation

Sec. 9-47 - Parking.

- (a) No person shall park a vehicle on park property at any place other than in the expressly designed space provided for that particular type of vehicle, unless directed otherwise by a law enforcement officer or department employee, or by official signs or markings.
- (b) No driver or operator of any vehicle shall leave a vehicle parked on park property after posted closing hours without permission of the Director. Such permission shall be posted in a conspicuous location while the vehicle is parked after hours. If there is no permission vehicle will towed at owner's expense.
- (c) Vehicles parked in unauthorized areas that pose a threat to patron safety may be towed at the owner's expense.
- (d) No vehicle shall be parked on park property when the parked vehicle is for the purposes of sale or repair.

Sec. 9-48 - Aircraft and Radio-Controlled Devices.

- (a) No person shall operate, direct or be responsible for any aircraft, helicopter, glider, balloon, parachute, uav, drone or other aerial apparatus that shall take off from, operate within, or land within park property except in emergency law enforcement situations or when permission has been obtained from the Director.
- (b) No person shall launch or operate any radio-controlled model rocket, airplane, glider, boat, car or similar vehicle without permission from the Director.

Sec. 9-49 - Firearms and Other Weapons.

- (a) No person shall shoot or otherwise discharge a firearm, weapon, bow, arrow or similar device from within a park, or into any park from beyond the boundaries of such park.
- (b) Subject to the requirements of applicable state law, the Director may permit the use of weapons in a park for recreational, educational, wildlife or natural resource management purposes, or other departmental functions under supervision, written guidelines or agreements.

- (c) Shotguns may be legally discharged in that area of the Causeway Park, which is bordered by water, for the purpose of hunting.

Sec. 9-50 - Metal Detectors.

No person shall use a metal detector in any park except for official activities authorized by the Director.

Sec. 9-51 - Abandoned Property.

No person shall abandon a vehicle or other personal property in any park. Abandoned property shall be removed, impounded and sold in conformance to Town of Colchester ordinances.

Sec. 9-52 - Pets.

- (a) Any person bringing a domestic pet within park boundaries or on multipurpose paths shall keep the pet on a physical leash, or under the immediate personal supervision and control of the owner.. "Under the immediate supervision and control of the owner" means that the pet will stop and come to the owner upon command and that the pet is at all times prevented from causing injury, damage, disturbance or annoyance to park property or other park users. Police K-9 are exempt.
- (b) No exotic animals are permitted at any park.
- (c) No person shall bring a pet into an enclosed park building except those qualified as service animals under the Americans with Disabilities Act, or as part of an authorized program or event.
- (d) Any pet not under the immediate personal supervision and control of a responsible person or any pet creating a disturbance or nuisance, may be restrained, confiscated or removed from the park by authorized personnel.
- (e) No person shall permit a pet for which he or she is responsible to be in the water of a swimming area or designated water play area, and no such person shall permit a pet except for those qualified as service animals under the Americans with Disabilities Act, to be within the land area or beach area adjacent to the water of a swimming area or designated water play area. Pets are not permitted to enter any natural or constructed body of water except in areas dedicated for such purpose.
- (f) Persons bringing pets onto park property are required to carry appropriate material and remove any fecal waste left by their pets.
- (g) Horseback riding shall not be permitted in the parks
- (h) No pets shall be unattended.
- (i) Current rabies and appropriate inoculation and registration tags must be displayed on pets at all times.

Sec. 9-53 - Swimming and wading.

- (a) No person shall swim, wade or play in any natural or built water area within a park except where specifically designated, and in compliance with such rules and regulations set by the Director. All persons swimming in the public parks do so at their own risk.

Sec. 9-54 - Boating and fishing.

- (a) Boating or fishing shall not be conducted within 200 feet of any designated swimming area, in accordance with U.S. Coast Guard regulations.

Sec. 9-55 - Camping and overnight use.

No person may erect a tent or related shelter at any time to camp, sleep or park a vehicle overnight at any park or open space, except as authorized by permit, and only in areas designated or marked for such purpose.

Sec. 9-56 - Fires and firewood.

- (a) No person may light, build or maintain a fire in any park except in a device provided, maintained or designated for such purposes, or as authorized by the Director.
- (b) Grills are provided throughout the parks for patron use; use of any other grill or cooking equipment is prohibited unless otherwise authorized by the Director.
- (c) No person may cut, gather or collect wood or other combustible material at any park for use as firewood or fuel, unless authorized by the Director.
- (d) Fires or lighted grills shall not be left unattended, and any person starting a fire shall not leave the area without extinguishing said fire.
- (e) During periods when a fire hazard has been declared "high" or greater by the State of Vermont or similar agency, the Director may prohibit or restrict fires in park areas.

Sec. 9-57- Personal risk in natural areas.

Personal risks associated with the natural environment are inherent in parks. Native wild animals, poisonous plants, rough terrain and other natural conditions are considered a part of the visitor's experience. Park users are responsible for their own health and welfare regarding natural elements and other environmental conditions when they elect to enter such areas.

Sec. 9-58 - Natural resource protection and preservation.

- (a) No person shall dig, cut, break, move, excavate, disturb, remove, destroy, harm or tamper with, nor carry within, any soil, rocks, trees, shrubs, plants, mushrooms, down-timber or other wood or materials without authorization from the Director.
- (b) No person shall harm, harass, disturb the breeding grounds or habitat of, hunt, trap or remove any animal, including mammals, fish, insects, birds, reptiles, amphibians or any other living creature, including eggs and nests, from any park except upon authorization of the Director. This sub-section shall not apply to fish caught by an individual in possession of a valid Vermont fishing license fishing in an area designated for this activity, in accordance with state fishing regulations.
- (c) No person shall feed any non-domesticated animal in any park unless authorized by the Director.
- (d) Park properties that are primarily in their natural state, yet provide some means of access for visitors, shall be maintained to protect the environment as well as the user.

Sec. 9-59 - Pollution of waters.

- (a) No person shall throw, discharge, disturb or otherwise place or cause to be placed in the waters of any lake, river, stream, or other body of water within park property any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (b) No person shall bury, discharge or intentionally dispose of a toxic or hazardous substance in parks or on park property, or the State waters found therein.

Sec. 9-60 - Smoking.

- (a) No person shall smoke on public beaches
- (b) At no time shall marijuana or any product containing THC be used in the parks or beaches.

Sec. 9-61 – Drug and Alcohol Use.

- (a) It is unlawful to use, possess or sell any controlled substance in violation of state statutes.
- (b) It is unlawful to serve, possess, consume or bring beer, wine or other alcoholic beverages into a park in kegs, barrels, or other bulk tap quantities without permission of the director.
- (c) Containers of alcoholic beverages are not permitted on town beaches.

Sec. 9-62 - Enforcement.

- (a) This article is a civil ordinance and shall be enforced in the Vermont Judicial Bureau or in the Vermont Superior Court, Civil Division, Chittenden Unit, at the election of the enforcing official, in accordance with 24 V.S.A. §§ 1974a *et seq.*
- (b) Violations of this article are punishable by a civil penalty of not more than \$800 per violation. The Selectboard may adopt a separate Schedule of Fines relative to this Article.
- (c) The enforcing official may choose to file an enforcement action in the Vermont Superior Court, Civil Division, Chittenden Unit, to seek injunctive relief, and fines as appropriate. Any enforcing official shall have the authority to eject from any of the parks any person acting in violation of any provisions of this Ordinance or in violation of any permit issued pursuant to this Article and may issue a notice against trespass on behalf of the Town of Colchester.
- (d) Waiver Fee: an issuing Municipal Official shall have the authority to recover a waiver fee, in lieu of a civil penalty, in the amount set forth in the schedule of fines adopted by Select Board.
- (e) Enforcement Officials: for the purpose of enforcement in the Judicial Bureau, any Town of Colchester Police Officer, the Director of the Department of Parks and Recreation, or his or her designee, and any person(s) duly appointed by the Selectboard shall have the authority to act as issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint.

Schedule of Fines

Park Ordinance	Maximum each offense	1st Offense	2nd Subsequent Off.
Park Hours 9-32	\$800	\$50	\$100
Buildings (vandalism) and other property 9-33	\$800	\$200	\$300
Park Usage 9-34	\$800	\$50	\$100
Use of Cameras or Recording Device 9-35	\$800	\$100	\$200
Authority to Rent or Lease Parks and Equip 9-36	\$800	\$50	\$100
Reserved Areas 9-38	\$800	\$100	\$200
Permit System 9-39	\$800	\$100	\$200
Picketing or Demonstrations 9-40	\$800	\$100	\$200
Commercial Activities 9-41	\$800	\$100	\$200
Noise and Amplified Sound 9-42	\$800	\$100	\$200
Fireworks and Explosives 9-43	\$800	\$100	\$200
Litter 9-44	\$800	\$50	\$100
Distribution of Printed Material 9-45	\$800	\$50	\$100
Motor Vehicles and Bicycles 9-46	\$800	\$100	\$200
Parking 9-47	\$800	\$50	\$100
Aircraft and Radio Controlled Devices 9-48	\$800	\$50	\$100
Firearms and Other Weapons 9-49	\$800	\$200	\$300
Metal Detectors 9-50	\$800	\$50	\$100
Abandoned Property 9-51	\$800	\$100	\$200
Pets 9-52	\$800	\$50	\$100
Swimming and Wading 9-53	\$800	\$50	\$100
Boating and Fishing 9-54	\$800	\$100	\$200
Camping and Overnight Use 9-54	\$800	\$100	\$200
Fires and Firewood 9-56	\$800	\$100	\$200
Natural Resource Protection 9-58	\$800	\$400	\$800
Pollution of Waters 9-59	\$800	\$400	\$800
Smoking 9-60	\$800	\$50	\$100
Drug and Alcohol Use 9-61	\$800	\$50	\$100